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V. ROYAL PURVEYANCE IN FOURTEENTH-CENTURY ENGLAND IN THE LIGHT OF SIMON ISLIP'S SPECULUM REGIS.

By CHALFANT ROBINSON,

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ROYAL PURVEYANCE IN FOURTEENTH-CENTURY ENGLAND IN THE LIGHT OF SIMON ISLIP'S SPECULUM REGIS.

By Chalfant Robinson.

In 1661[1] the Commons of the Cavalier Parliament induced Charles II to accept a fixed revenue on various liquors consumed in England in exchange for the King's right of royal purveyance. By that act they brought to an end one of the most ancient prerogatives of the Crown in England.

"Purveyance, from pourvoir, to provide," says Blackstone, "is a prerogative enjoyed by the Crown of buying up provisions and other necessities, by the intervention of the King's purveyors, for the use of his royal household, at an appraised valuation, in preference to all others, and even without the consent of the owner, and also of forcibly impressing the carriages and horses of the subject to do the King's business on the public road, upon paying a settled price, a prerogative which prevailed pretty generally throughout Europe." [2]

Older than Magna Charta, the exercise of this prerogative of the King was definitely limited when that instrument was drawn up. No royal bailiff, says that familiar document, shall take any man's corn or other chattels without immediate payment, unless the seller voluntarily gives credit; nor shall the King or his bailiffs take any horses or carriages of freemen for cartage, or any man's timber for castles, or other uses, unless by consent of the owner.[3] But the effort to control the King's power did not stop there. Thirty-six statutes were passed, at one time or another, in a long struggle to check the extension and the abuse of this right of the King. At all times its burden was grievous to the people. Indeed, throughout the whole course of English history there is no one institution, with the possible exception of the English prison system, which produced for the same span of years such widespread misery for humble Englishmen and in which so large a number of people participated as the royal prerogative of purveyance. Obviously, so tough an institution as this one, which lasted for more than four hundred and fifty years in the face of drastic statutes passed to restrict it, and in spite of almost universal protestation against its continuance, must

[1] 12 Charles II, cap. 24. 1661.
[2] Commentaries, I, 287.
[3] Magna Charta, sections 28, 30, and 31.

have had remarkable vitality. Its very longevity justifies its existence, for had there not been the need for such an institution it must have perished long before it did.

While it bore on the poor during its whole lifetime, it was in the fourteenth century that its weight was most intolerable. Protests and petitions to the King asking him for relief are frequent in the rolls of parliament of that century. This is especially true in the reign of Edward III. During the time that he was King of England one-fourth of all the statutes passed in restraint of purveyance are to be dated. Purveyance under him does not appear to have differed in principle from the purveyance of previous kings. They, too, had levied on the goods of their subjects; but the abuses of the system under Edward III, and under his degenerate father before him, were enormous, and called forth loud complaints from the people. There was good reason why they should. The demands made upon the resources of England for the conduct of the Hundred Years' War were unusual and heavy. There was great extravagance and waste in the train of the King's earlier victories.[1] He made lavish gifts to his personal friends, and the uncertain conditions under which the revenue was collected made the burden very unequal. To these sources of expense must be added the splendor of state which the King maintained wherever he went, the great banquets, at which he wore his royal crown, the magnificent tournaments of which he was the special patron, and the royal progresses which he made from one castle to another. There always attended him a great cavalcade of horses, and there followed him long lines of carts and wains loaded with the King's provisions and furniture, some drawn by oxen, some by horses, all doubtless painfully and with great difficulty over the unspeakable roads of medieval England. With the medieval kings it was necessary to move on, every few days. A sufficient quantity of provisions could not be gathered from the domain of the royal manors and from the countryside, within the verge, to supply the needs of the King's family and retinue for more than a very limited period of time, so that when the stores were consumed in one place he moved on to the next. Hence the incessant journeyings of the royal household.

When His Majesty journeyed, the King's purveyor, or harbinger, as he was called, went on ahead to announce the King's coming and to command the villagers to bake and to brew and to provide other supplies for the King's needs. And it was not only the King who exercised this right when he went through the land, but other members of the royal family and the great noblemen did as the King did.[2]

[1] W. Stubbs, Constitutional History, first ed., 1874–1878, II, 546. From July 20, 1338, to May 25, 1340, the expenses were £337,104 9s. 4d.

[2] 36 Edward III, cap. 2.

This led to frequent and heavy demands on the store of provisions of the subject, always pitifully small in the middle ages, and on the horses and carts to carry them for the King.

In 1337, and again in 1345, before he was made Archbishop of Canterbury, Simon Islip wrote a series of indignant remonstrances to King Edward III upon the folly of this course, and upon the distress which it was producing throughout England. His remonstrance is the Speculum Regis, the King's Mirror, in which King Edward is to see his own unlovely image.[1] It is not the purpose of this paper to consider the institution of purveyance. Its design is rather to make use of the scenes which Simon Islip describes in an effort to show how the struggle of the poor for existence, naturally bitter, was rendered hopeless, many times, by the callousness and rascality of the King's officers. The incidents which he pictures with such fidelity were of daily occurrence in many a medieval village in England. Islip himself had been an eyewitness to many of them, and he knew, as he says, from personal observation the want and the hunger which followed in the path of the King's purveyor, as he took from the poor villager his chickens, geese, cattle, bread, grain, hay, and firewood to satisfy the King's need. He also knew the King and the vain and foolish luxury of his court. He knew, too, from his experience as a minister of state under Edward the paucity of the nation's resources and its bankrupt financial condition.

All this makes what he has to say of special interest, and when he writes to the King he speaks with the uncompromising directness of an Old Testament prophet, and his "Thus saith the Lord" is the voice of Elijah the Tishbite or of Nathan the prophet. In this character of seer he tells the monarch, in these words, just what end his evil course of life will lead to if it is not altered:

> And I say to you, oh lord king, that if, with your consent, this pillaging and plundering by your court lasts to the day of your death, you will then exclaim thrice woe. And why do I say that you will exclaim woe three times? First, Woe that you were ever born. Because it was woe wherever you went on earth. But more woe to you when, upon its final dissolution, your soul is freed from its body by the devil. But most woe to you when your soul will be borne down into hell, where there will be woe and torment without end.[2]

The Speculum Regis is the most important source of information which we have to consider, but there are other documents of the

[1] The Speculum Regis does not exist, so far as the writer has been able to determine, outside its original Latin form. At least, it does not appear to have been translated into English. This fact is his best excuse for offering his own translations of the passages used as illustrations. These are all taken from Joseph Moisant's De Speculo Regis Edwardi III seu tractatu quem de mala regni administratione conscripsit Simon Islip cum utraque ejusdem recensione manuscripta nunc primum edita (Paris, Picard, 1891). Moisant gives a thoroughgoing treatment of the whole subject in Latin, and to this very valuable thesis the reader is referred.

[2] Moisant, ed., Speculum Regis, Recension B, cap. 49, p. 164.

period dealing with purveyance which have equal range with the Speculum Regis. These are the statutes of the reign of Edward III. They sum up the main points of complaint against the system of purveyance and attempt to provide a remedy. Coming after the Speculum Regis, it is commonly supposed that the King was moved to this legislation because of what Simon Islip had written. There is, however, some doubt as to the fact. At any rate, the points in the statutes are the ones which Islip had already taken up, and they furnish a very satisfactory means of approaching the system in detail. For the Speculum Regis illustrates by example the grievances which are listed in the statutes. It is the plan of this article to consider them one after another in order.

It was one of the first concerns of the Commons to limit the number of great horses belonging to the King's household.[1] These horses were luxuries of the court. For the purpose of parade and for tournaments only, they did not do any work. More than that, they did consume valuable grain and hay. This was a direct waste of the country's resources which, as Islip says, might have been put to better use in supporting human life. The connection is quite close. Hay and grain to-day are abundant and cheap, but it was a different thing in the fourteenth century; then there was never enough of either, and both hay and grain were accordingly highly valued. Out of the year's supply of grain the peasant had to keep back enough for the next season's sowing. But more important was the fact that the amount of hay and grain which he could store away determined whether he could keep through the winter his oxen, the mainstay of his agriculture, or whether he would be compelled to kill them and salt down the meat for his later use. He might be spared this hard necessity if he had provision enough for himself and for them, but it was this very provision of grain and hay that the King's purveyor insisted on taking away to feed the King's great horses. Considerations such as these plainly show that Islip in protesting against the King's extravagance in maintaining so many of these great horses was dealing with a matter vital in its importance to the poor. The two extracts from the Speculum Regis which follow serve to illustrate this point:

> And now, lord king, consider what expenses you incur annually on account of one great horse. A single great horse has at least one groom, who receives a penny a day for his own expenses; for his horse besides he takes half a bushel of grain a day, valued at a penny. * * * On this amount four or five poor men could be supported. The estimate for one groom and one horse having been made upon this basis, amounts to 6 pounds, 16 pence, for a year. * * * How much and how great are the expenses incurred throughout a year for all your horses and grooms.[2]

The salvation of the King's soul lies next the heart of the good ecclesiastic, and in the passage below he is earnest in pointing out to

[1] 14 Edw. III, cap. 19; 36 Edw. III, cap. 6.

[2] Speculum Regis, B, cap. 8, sec. 15, p. 143.

him that almsgiving is more important to his eternal welfare than a vain display of horses:

Oh my lord the king, would that you were wise, and that you would provide for your latter end. That is, that you might have in mind how many and how great expenses your great horses occasion. That you might understand how many good works of piety might be done in this world by means of these foolish expenses * * * and that you should provide for your own unhappy death, surely you should limit the number of those great horses. You should pay your debts, and the debts of your father, and instead of inordinate expenses of this kind, that is, in place of horses, you should perform diverse works of piety. For it is said in the seventeenth chapter of Deuteronomy, A wise King will not multiply horses to himself.[1]

The next two extracts show what a variety of means the King's grooms used in bullying and cheating the timid villager.

* * * One groom from your court comes to a country village with one of his master's horses, and there he chooses for himself the best house in the village, and demands litter for his horse. He wants to have a fire for himself and for his horse, and wants to have the best food and drink for himself, perhaps a chicken. So the lord of the house in paying and in charging, by reason of this eating and drinking, spends a sum of 8 or 10 pence. In the morning, when he departs, he pays nothing at all for his bed; for grain, one penny, for food and drink, one penny and a farthing, because he has not received more from his master. And so when the reckoning is made he has not paid one half his expenses. But if all the grooms of your household did even this, in that far it would be good, for it is better to have something than to get nothing at all. The rest are not like this one, * * * for I have chosen the example of a groom who conducts himself better and more honestly than the rest. For it may be said of the men of your household, as it is said in Genesis 18 and 19, that when inquiry was made five righteous men could not be found.[2]

Then again:

* * * Varlets with their masters' horses come to a country village, and the more remote they are from your court the more prone they are to do evil; 4 varlets, let us say, with 4 horses, come to some country village, and stay there 4 or 5 days; they require here from different men, 8 or 10 quarters of grain by gift, or by violence, or by fear. The do not tell their masters that they break in doors to get hay and grain, and that what is spoiled they feed to their masters' horses, and what has any value they sell for themselves. * * * then the men with their horses depart, nor are they willing to pay anything.[3]

Apparently there were attendant grievances, for in the statute 14 Edward III, cap. 19, is the provision that for each horse there shall be one groom only, and that without bringing women, pages, or dogs with them. And it further specifies separately that the number of dogs, hunting dogs, doubtless, for which purveyance is to be made, shall be definitely stated in the purveyor's commission.[4]

Another statute of Edward III provides that the purveyor's commission be sealed with the great seal; that it shall be returned each year to the chancery and be exchanged for a new one; and that every commission shall specify in detail just what is to be taken, and

[1] Speculum Regis, B, cap. 8, p. 142.
[2] Speculum Regis, A, secs. 25 and 26, p. 107.
[3] Speculum Regis, A, sec. 24, p. 107.
[4] 14 Edw. III, cap. 19.

in what manner.[1] The following passage from the Speculum Regis makes evident the fact that these provisions were necessary in order to prevent the people from being imposed on by the King's officers:

Oh, my lord, the King, now recently is added a burden by those of your household. The harbinger comes to provide in a certain country village for 20 or 30 horses and for as many grooms, who are of your household. And he brings with him a commission, signed with a seal not known, indeed, to those of that parish, nor does it say in the commission how many horses and how many men they ought to receive. The people of the parish, induced by fear, because of the great burdens brought upon them by these grooms, agree with that harbinger and with his companions that they shall go away. And they give them to do this a half-mark, or 5 shillings, or 40 pence. Nevertheless, the villagers remit to them the expenses to which they have been already put. On the day following, or on the second day, there comes another harbinger with a certain commission sealed as before, requiring that provision be made for the varlets and horses of the Queen's household, or the household of the King's sister. These varlets, with their horses, are more burdensome than the first. For a certain sum of money the people of the parish agree with these that they, too, shall go away. But the money being once paid over, some of them do go, but others remain, and take grain, hay, and other things for which they pay nothing. They do what robbers would not do after a compact had been made with them. Certainly it happens, as it is said, that one man will have such commission to one village, another to another village, a third one to a third, and so on. And because these varlets are vicious, and because they receive almost nothing from their masters, * * * they gather together, and come first to one village and show their commissions, and by virtue of that commission take grain, beans, and things to eat and drink, and much else besides, whether by violence or by fear, because the simple folk of a country village do not dare to resist them because of their numbers; and when they have done this in one village, they go away, and come to another, show the same commission, do the same thing there, and so on.[2]

In place of the indiscriminate taking of provisions by the purveyors, the statute 36 Edward III, cap. 2, further provides that there shall be a commission of the constable and four discreet men of every town, who shall make indenture with the purveyors; determining the price, the quantity, from whom the provisions are to be taken, that the taking shall be in a manner convenient to the seller, without duress, menace, or other villany, and that provisions be taken in such place as there is the greatest plenty, and at a fitting time of year.

That there was abundant need for these provisions, as well, is further shown by the following extracts. The first is an illustration of the consternation produced in the village by the arrival of the King's harbinger:

Whenever there are rumors of your coming, and a single blast of your horn is heard, whoever by chance may be in the village trembles. Later on your harbinger comes to the village, and all seeing him are downcast and fearful. He does not say to them, "Fear not!" but he says that he wants oats, hay, and litter for the King's horses; and then the poor people of the village are greatly saddened and more and more alarmed. Afterwards comes another in the same way, and he says that he wants geese, hens, and many other things. Then comes a third, who wants grain and so forth, and so the terror grows.[3]

[1] 36 Edw. III, cap. 2 and cap. 5.

[2] Speculum Regis, A, sec. 20, pp. 104–105.

[3] Speculum Regis, B, sec. 8, p. 135.

From this terror and general confusion Simon comes to the particular case of the poor woman's hen:

Oh, my lord, the King, I pray you do not be angry if I speak to you again on this matter. When one of your purveyors has come to a village for the purpose of making provision for your household in the way of geese and chickens he takes from a poor woman a hen from which she is able to get four or five eggs a week to keep herself and her children; the purveyor gives her a penny for it, or at most a penny and a farthing, no more. The poor, miserable woman would not have been willing to part with it for 3 pence. This hen, because it is fat, is prepared for your lips; you in eating of it are made glad; the needy woman is saddened. You fill your belly with this fowl unjustly acquired, she goes hungry, and begs her bread; you dine splendidly on many viands unjustly obtained; she has well-nigh nothing to eat. You in the abundance of riches, she in the extremity of proverty; you clad in cloth of gold, she in rags; you having, she wanting; you keeping open house with your soldiers and followers, gladdened with choice food, she keeping open house with her children begging for bread. I ask you, by what daring, by what audacity do you dare to eat of that fowl? Upon hens and geese of that kind and upon other provisions taken by violence you make your feasts, your merrymakings, and your songs; but I promise you that all such gladness shall be turned to sadness and woe unless a remedy is speedily found for this state of affairs.

Amos viii, "And I will turn your feasts into mourning, and all your songs into lamentations.[1]

The particular mandate in the statute that provisions be taken in a manner convenient to the seller, without duress, menace, or other villany, borrows illustration from this extract:

But hear, my lord, if you please, the evils which have been lately done. Certain officers of your household, with a commission not of God but in the name of the devil, come to a market and take sheep, oxen, cows, fat pigs, and whatever they can happen on, and that against the will of the owner. They pay nothing at all; on account of which all who come to the market as well as the whole countryside are confused and alarmed. * * * A certain poor man, we will say, comes to market with a single ox valued at 1 mark, and he owes a mark on a certain day to pay for his holding of land. His ox is driven off by your men, and nothing is paid to him for it. Therefore he loses his holding of land because he did not pay his debt at the fixed day. Some, indeed, whose sheep and oxen are taken do not pay their creditors on the appointed day, and therefore incur perjury and excommunication, and are reputed to be false men.[2]

Islip then cites the case of Nathan and David and the ewe lamb of the poor man, and continues, "but if a rich man has sheep and fat oxen in the market and shows your letters of immunity, he keeps them untouched."

In the rolls of Parliament is found additional illustration of what is meant in the statute by "a fitting time of year." This is a complaint against the injustice and dishonesty of purveying mutton for the King's table. The purveyors, it says, were accustomed to drive off the farmers' sheep just before shearing time with the wool on them, shear them at the proper time, sell the wool, and keep the sheep till such time as the King needed mutton.[3]

[1] Speculum Regis, B, cap. 12, sec. 43, pp. 159–160. [2] Speculum Regis, A, sec. 14, p. 99.
[3] Rot. Par., II, 241 (1351-2); 25 Edw. III, cap. 15, stat. 5.

Another example of the same character is to be found in the Commons' complaint that purveyors sent out to secure timber for the King's needs made a practice of cutting down the shade trees growing around the houses of the gentry. The purveyor might, of course, be bought off, but the Commons did not want to save their ancestral oaks in that way.[1]

But the timber had to be carted, anyhow, either to the river, if it was for the King's galleys, or to where the actual building was going on, whether it was for a castle or for building siege engines, such as catapults, mangonels, or balistas, for operation in war. Provisions, too, had to be carted to the place where they were wanted by the King. That it was inconvenient for the farmer to have his horses or oxen taken out of the fields where they were at work, whether it was plowing time or seed time or harvest, made no difference to the purveyors. In fact, the more inconvenient the time the more likely the farmer would be to pay well for being let off, and the levy made on some one who could not pay the price to the King's agent.

In a statute provision is made that no more carriages are to be taken than are needed and that no purveyor shall take any gift for sparing any man in taking purveyance or carriage.[2]

These conditions receive illumination from the following passages taken from the Speculum Regis:

* * * The precursors, the varlets of your household, and others take men and animals working in the fields and animals that plow the ground and carry seed to the field, that they may labor for two or three days in your service and receive nothing for it.[3]

Evidence, too, of the desolation which this practice caused is furnished in the Speculum Regis in this extract. Islip here directs attention to the tracts of arable land which lie uncultivated.

* * * Likewise those of your household take from the forest of Winchester and from neighboring places men, carts, and horses of poor men, and compel them to go from their homes a 10 hours' journey, and likewise compel them to draw wood, not only for three or four days, but for many days. And they promise to pay them for labor of this kind, but pay nothing. Thus because of diabolical deeds of this kind the fields of the poor are not cultivated nor are they sown, nor have the poor any property whereby they may sustain a burden of this kind. Therefore they cry aloud to God, and their cry ascends to God, even as the cry of the Children of Israel ascended to God when the Egyptians oppressed them with labor, as it is said in Exodus xii, at the end of the chapter.[4]

Again, from the passage below, it is plain how little justice or honesty could be expected of the King's purveyors:

* * * Likewise it sometimes happens that those of your household wish to have men and horses and carts in some parish. Those from that parish agree with the purveyors for a half a mark, more or less, that they may be permitted to remain at home

[1] Rot. Par., II, 230 (1351–2); 25 Edw. III, cap. 6, stat. 5.
[2] 36 Edw. III, cap. 3.
[3] Speculum Regis, B, cap. 3, sec. 5, p. 132.
[4] Speculum Regis, A, sec. 15, p. 100.

and that they be not compelled to labor in your service. On the day following or on some other day, others of your household come and take away the horses and carts in that parish, although those that gave half a mark believed that they had secured immunity.[1]

Even when they actually perform the service the farmers must lose a great deal of time in waiting the pleasure of the purveyor, who frequently has to be bribed to pay the farmers their due hire, as this illustration shows:

The whole English people may blush to have a King at whose coming the people are universally saddened and at whose departure there is universal rejoicing. * * * The reason for the sadness of the people at your coming is that your servants take a great deal of property against the consent of the owner, and for a less price than he is willing to take for it. If the people wish to get the money owed to them by your servants, it is necessary for them to journey five or six hours, and often more, to ask for the money, and perhaps even then to wait for a whole day, and it often happens that they have to give up some of their own property in order to get their due.[2]

These were some of the conditions accompanying the exercise of purveyance. Others of like character might be cited. They were the conditions in time of peace, not of war. Islip knew them all, but he was most deeply stirred by the pitiful spectacle of the very poor people, in a panic at the approach of the purveyor, frantically eating up and drinking the slender store of provisions that stood between them and actual want lest the King's agent should get even that. Then, gorged in this fashion, they watch the coming of the purveyor with apathy. The contemplation of that scene moves him to arraign the King's conduct in the following unmeasured terms:

And behold, my lord the King, what your poor tenants do, to whom should be given in works of charity rather than from whom anything should be taken. Because when news is heard of your coming they are dejected and immediately in fear they hide away their geese, their chickens, and their other goods, or they consume them by eating and drinking, lest they should otherwise lose them at your arrival, just as they would do if they believed that thieves and robbers were coming to the village. Oh Grief! Oh Shame! Oh Opprobrium! Oh Infamy! Oh Affliction! Oh Ambition! Oh Crime! Oh Compassion! Oh Conviction! Oh Damnation! Oh Sadness! Oh Error! Oh Falsity! Oh Fraud! Oh Theft! Oh Rapine! Oh Infidelity! Oh Ingratitude! Oh Instability! Oh Labor! Oh Tears! Oh Lamentations! Oh Martyrdom! Oh Lying! Oh Perjury! Oh Danger! Oh Fear! Oh Scandal to you, O King, and to the whole English people, that such things can happen at your coming! Fie! Fie! Fie! Alas! Alas! Alas! That such things are permitted to be done.[3]

As we have already seen, this cascade of lamentations and woe did not fall unheeded on the head of the King, for he passed laws which were honestly designed to remedy many of the abuses of the system. And in so far as that legislation records his best effort to abate the wrongs, which were beyond his power to abolish, the Speculum Regis served its purpose.

[1] Speculum Regis, B, cap. 3, sec. 5, p. 132.
[2] Speculum Regis, B, cap. 3, sec. 5 p. 131.
[3] Speculum Regis, B, sec. 6, p. 133.

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